



Arkansas State Board of Nursing

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BOARD MEETING MINUTES

TIME AND PLACE: May 8, 2019
Board Conference Room

MEMBERS PRESENT: Lance Lindow, RN; Kaci Bohn, PhD, Consumer Representative; Janice Ivers, MSN, RN, CNE; Neldia Dycus, BS, MHSM, MHRD, RN; Jasper Fultz, LPN; Melanie Garner, LPN, CLC; Yolanda Green, LPN; Stacie Hipp, APRN; Pamela Leal, RN, Representative of the Older Population; Renee Mihalko-Corbitt, DNP, APRN, ACNS-BC

MEMBERS ABSENT: Michael Burdine, RN; Rachel Sims, BSN, RN; Ramonda Housh, MNSc, APRN, CNP, C-PNP (AM Session), Renee Mihalko-Corbitt, DNP, APRN, ACNS-BC (PM Session)

STAFF ATTENDING AT VARIOUS TIMES: Sue A. Tedford, Executive Director, MNSc, APRN
William F. Knight, General Counsel, JD
Mary Trentham, Attorney Specialist, JD, MNSc, MBA, APRN
Lisa Wooten, Assistant Director, MPH, BSN, RN
Karen McCumpsey, Assistant Director MNSc, RN, CNE
Tonya Gierke, Assistant Director, JD, BSN, RN
Debra Garrett, Program Coordinator, DNP, APRN
Tammy Vaughn, Program Coordinator, MSN, RN, CNE
Deborah Rodgers, Program Coordinator, MSN, RN
Susan Lester, Executive Assistant to the Director
Albert Williams, Information Systems Coordinator
Leslie Suggs, Legal Support Specialist
Corrie Edge, Legal Support Specialist

Vice President Lance Lindow called the meeting to order at 8:40 a.m. Guests were welcomed and a flexible agenda was approved.

Fred Knight, General Counsel, presented the following consent agreement that has been entered into since the last meeting. Following discussion of the individual agreement, the following motion was passed:

Lusby, Justin Neil, R091314 (Little Rock, AR)
Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(1), (a)(6), (a)(7), and (a)(9)
Probation – 4 years
Course – Documentation for Nurses, Caring for Patients with Mental Health Issues, Ethics of Nursing Practice, HIPAA Compliance, Professional Boundaries in Nursing, and Sharpening Critical Thinking Skills
Civil Penalty –\$2,000.00

Brought by Kaci Bohn and seconded by Janice Ivers.

PASSED

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Mary Trentham, the Board's attorney, presented consent agreements that had been entered into since the last meeting. Following discussion of each individual agreement, the following motion was passed:

MOTION: I MOVE that the Arkansas State Board of Nursing ratify the following Consent Agreements:

Garcia, Socorro Fields Fields Steele, L044756 (Sheridan, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(1), (a)(2), (a)(4), and (a)(6)

Probation – 1 year

Courses – Sharpening Critical Thinking Skills

Civil Penalty –\$750.00

Gibson, Shellie Leeann, R077359 (Fort Smith, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(6) and (a)(9)

Probation – 4 years

Course – Disciplinary Actions: What Every Nurse Should Know

Knox, Amy Lyn Housley, L051424 (Russellville, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(6) and (a)(8)

Probation – 1 year

Course – Documentation for Nurses

Civil Penalty –\$840.00

Stewart, Cecily Lauren Zamora, R099335 (Helena, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(8)

Probation – 1 year

Courses – The Arkansas Nurse Practice Act

Strack, Kelli Michel, R088945 (Conway, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(9)

Probation – 1 year

Brought by Kaci Bohn and seconded by Janice Ivers.

PASSED

DISCIPLINARY HEARINGS

General Counsel, Fred Knight, represented the Board. Motions reflect the decisions of the Board reached in deliberation following the hearing of each case.

DANA C. TAUNTON HAWKINS, LPN LICENSE NO. L045649

Respondent was present for the proceedings before the Board and was not represented by counsel. Deborah Rodgers, MSN, RN, provided testimony on behalf of the Board. Respondent has been charged with failed to comply with the terms and conditions of the Board's August 16, 2017, Letter of Reprimand, and pleads guilty to the charges. On August 16, 2017, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(6) and the Board's Rules, Chapter Seven, Section IV(A)(6)(a). Respondent was issued a Letter of Reprimand on August 16, 2017, and ordered to provide evidence of completion within six (6) months of the courses *LPN Scope of Practice* and *Ethics*. As of April 8, 2019, Respondent has failed to comply with the terms and conditions of the Board's August 16, 2017, Letter of Reprimand.

MOTION: I move that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, in the case of **DANA C. TAUNTON HAWKINS, LPN LICENSE NO. L045649**, that the Board suspend the license and privilege to practice nursing until the terms of their letter of reprimand are met.

Brought by Janice Ivers and seconded by Kaci Bohn.

PASSED

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CAROL SUE STROM ENGLAND TILLEY, LPN LICENSE NO. L051555 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Deborah Rodgers, MSN, RN, provided testimony on behalf of the Board. Respondent is licensed as a Licensed Practical Nurse and holds License No. L051555 (expired). On or about March 22, 2017, the Office of Long Term Care (OLTC) reported that on March 6, 2017, Ozark Terrace Health and Rehabilitation, Rogers, Arkansas, reported the termination of Respondent's employment because of patient physical abuse. Specifically, it was reported that the Respondent wrapped her arms around patient D.H., held his arms and hands down, forced medicine in his mouth, and told him to shut-up. During the investigation, board staff determined that the Respondent was hired by Jordan Creek Nursing and Rehabilitation, Springfield, Missouri, on or about February 26, 2008. Her employment with Jordan Creek Nursing and Rehabilitation was terminated on June 27, 2009, for use of abusive language to a resident. During her employment with Jordan Creek Nursing and Rehabilitation, she had multiple oral counselings and probations. Respondent was hired on or about December 17, 2010, by Butterfield Trail Village, Fayetteville, Arkansas, and her employment was terminated on December 10, 2013, for unprofessional conduct. While employed at Butterfield Trail Village, Respondent had multiple written warnings, counselings, and oral warnings. On May 18, 2015, Respondent was hired by Gardens of Osage Terrace, Bentonville, Arkansas. Respondent's employment with Gardens of Osage Terrace was terminated on August 8, 2016, because of the way Respondent spoke to residents. While employed with Gardens of Osage Terrace, the Respondent received multiple written warnings. Board staff have made multiple attempts to contact the Respondent.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **CAROL SUE STROM ENGLAND TILLEY, LPN LICENSE NO. L051555 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and that Respondent's license and privilege to practice as a nurse be suspended three (3) years, to be followed by probation for three (3) years, with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), the Respondent must pay a civil penalty of \$4,500.00 plus any outstanding balance associated with previous disciplinary action.
- Respondent must immediately notify the Board in writing of any change, even a temporary one, in name or address.
- Respondent must provide to the Board of a complete psychological evaluation within 30 days of receipt of this order. Acceptable evidence shall include at least an in-depth psychological evaluation with appropriate testing from a psychiatrist. The Respondent shall supply a copy of the Board's Order to the evaluator. The evaluation must contain evidence that the evaluator knows the reason for the referral. The evaluator must specifically advise the Board that the nurse is presently able to engage in the safe practice of nursing or recommend the conditions under which safe practice could be obtained. The Respondent will execute any release necessary to give the Board access to records, including but not limited to medical, psychological, employment, and or criminal records. Failure to execute a release shall be grounds for disciplinary action against Respondent's license / privilege to practice.
- Respondent shall obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the practitioner's progress report every three (3) months until discharged by the practitioner. Treatment shall begin within thirty (30) days of receipt of this order.
- Respondent must provide evidence of successful completion of a continuing education course approved by the Board staff in the following: *The Nurse and Professional Behaviors, Documentation, Anger Management, Medication Administration, and Older Adult Care.*
- Respondent shall request license reinstatement in a registered letter to the Board once compliance with the Board's Order is met.
- Respondent is responsible for submitting a personal report to accompany required data to the Board on a quarterly basis.

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- Respondent's responsibility and duty is to insure that all required reports are submitted to the Board on a quarterly basis.
- Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.
- All costs involved in complying with the Board's Order shall be borne by Respondent.
- Pursuant to Ark. Code Ann. §17-87-309, failure to comply with this Order may result in additional disciplinary action on the Respondent's licensure and /or privilege, including but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.
- The suspension period is to be followed by a probationary period of three (3) years. All conditions of suspension period shall continue through the probation year.
- While on probation, if working as a nurse Respondent must notify each employer of the Board's Order. The employer must submit quarterly Performance Evaluation Reports to the Board regarding Respondent's safe practice of nursing.
- Respondent must work under direct supervision in any setting. Direct supervision requires another nurse to be working in the same setting as Respondent and readily available to provide assistance and intervention.
- Respondent cannot be employed in critical care, hospice or home health settings.
- Respondent may not work outside the State of Arkansas in another compact licensure state.
- Verification of termination of the probationary period shall be requested in a registered letter to the Board.

Brought by Yolanda Green and seconded by Renee Mihalko-Corbitt.

PASSED

MARY BETH BARBER WILLIAMS ASKINS, RN LICENSE NO. R040325 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Deborah Rodgers, MSN, RN, provided testimony on behalf of the Board. On February 6, 2017, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(6) and the Board's Rules, Chapter Seven, Section IV(a)(6). Respondent was issued a Letter of Reprimand on February 6, 2017, and ordered to provide evidence of completion within six (6) months of the course *Sharpening Critical Thinking Skills*. As of April 8, 2019, Respondent has failed to comply with the terms and conditions of the Board's February 6, 2017, Letter of Reprimand.

MOTION: I move that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, in the case of **MARY BETH BARBER WILLIAMS ASKINS, RN LICENSE NO. R040325 (EXPIRED)**, that the Board suspend the license and privilege to practice nursing until the terms of their letter of reprimand are met.

Brought by Janice Ivers and seconded by Kaci Bohn.

PASSED

BRIANNA NIKOLE WEAVER (WOODWARD) LETNER, LPN LICENSE NO. L049351 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Deborah Rodgers, MSN, RN, provided testimony on behalf of the Board. On December 19, 2017, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(6) and the Board's Rules, Chapter Seven, Section IV(A)(6)(a). Respondent was issued a Letter of Reprimand on December 19, 2017, and ordered to provide evidence of completion within six (6) months of the course *The Nurse and Professional Behaviors and Documentation*. As of April 8, 2019, Respondent has failed to comply with the terms and conditions of the Board's December 19, 2017, Letter of Reprimand.

MOTION: I move that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, in the case of **BRIANNA NIKOLE WEAVER (WOODWARD) LETNER, LPN LICENSE NO. L049351 (EXPIRED)**, that the Board suspend the license and privilege to practice nursing until the terms of their letter of reprimand are met.

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Brought by Jasper Fultz and seconded by Pamela Leal.

PASSED

The meeting recessed for lunch at 11:45 a.m. Following lunch, the Board resumed hearings.

President Ramonda Housh called the meeting to order at 1:00 p.m. A flexible agenda was approved.

ZILDA KAY SANDERS BIRKHEAD LUCAS, LPN LICENSE NO. L027654 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Penny Summers, RN, Pharmacy Services, and Deborah Rodgers, MSN, RN, provided testimony on behalf of the Board. Respondent is licensed as a Licensed Practical Nurse and holds License No. L027654 (expired). This investigation was prompted when the Office of Long Term Care (OLTC) submitted four (4) Investigative Reports involving a state survey of Madison Assisted Living Facility, Little Rock, Arkansas, dated May 31, 2018. During the state survey it was discovered that several controlled substances had been signed out in the narcotic book by Respondent in December 2017 that were to be sent to the state for destruction. At that time Respondent was the Administrator of Madison. Respondent failed to document or account for the surrendered medications and it was established that multiple controlled substances were not accounted for. During the investigation it was determined that the following controlled substances were not accounted for: 171 tablets of Tramadol 50 mg; 106 tablets of clonazepam 1 mg; 20 tablets of clonazepam 0.5 mg; 44 tablets of hydrocodone/APAP 10/325 mg; 75 tablets of hydrocodone/APAP 7.5/325 mg; 14 capsules of temazepam 75 mg; and 42 capsules of Lyrica 25 mg. Respondent had taken possession of the above controlled substances for destruction, but failed to document what she did with the controlled substances. On May 30, 2018, Connie Lester, CEO, Madison Assisted Living, called Respondent and advised her of their findings. Respondent submitted a written statement admitting she took possession of the controlled substances in question and that she signed them out of the narcotic book. Respondent stated she intended to give the narcotics to the interim director, but she forgot to do so. Respondent also stated she had misplaced the keys to the lock box and the file cabinet where the narcotics were stored. The Arkansas Department of Health / Pharmacy Services stated the narcotics in question were not surrendered to the Department. Investigators with the Arkansas Department of Health / Pharmacy Services reviewed four (4) patient files from Madison Assisted Living. In summary, the four (4) patient files dated from September 12, 2017, through December 26, 2017, established the following: a total of 67 mg of clonazepam was unaccounted for; a total of 1,022.5 mg of hydrocodone was unaccounted for; a total of 1,050 mg of Lyrica was unaccounted for; a total of 105 mg of temazepam was unaccounted for; and a total of 2,900 mg of tramadol was unaccounted for. Respondent's pharmacy printouts indicates that Respondent was issued five (5) APAP/Codeine #3 prescriptions, for a total of 75 tablets; one (1) hydrocodone/APAP 5/325 mg prescription for 30 tablets; and one (1) tramadol prescription for 15 tablets. Staff have attempted to contact the Respondent.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **ZILDA KAY SANDERS BIRKHEAD LUCAS, LPN LICENSE NO. L027654 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(4) and (a)(6) and that Respondent's license and privilege to practice as a nurse be suspended one (1) year with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of \$1,038.00 plus any outstanding balance associated with previous disciplinary action.
- Respondent shall immediately notify the Board in writing of any change, even a temporary one, in name or address.
- Respondent shall provide evidence of evaluation for treatment of addictive behavior within thirty (30) days of receipt of this order. Acceptable evidence shall consist of an in-depth psychological/addiction evaluation with appropriate testing by a practitioner, who meets the Board approved criteria and specializes in addiction disorders. Respondent shall ensure the

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practitioner sends the report directly to the Board. Respondent shall supply a copy of the Board's Order to the evaluator. The evaluation shall contain evidence that the evaluator knows the reason for the referral. The evaluator shall specifically advise the Board that the nurse is or is not presently able to engage in the safe practice of nursing or recommend the conditions, if any, under which safe practice could occur. Respondent shall execute any release necessary to give the Board access to records, including but not limited to medical, psychological, employment, and or criminal records. Failure to execute a release shall be grounds for additional disciplinary action against Respondent's license / privilege to practice.

- Respondent shall attend AA/NA, or other Board approved treatment program/support group meetings and shall submit quarterly reports to the Board. Respondent shall provide acceptable evidence of attendance. Acceptable evidence shall consist of completion of the disciplinary form, *Aftercare Meetings Report*. Respondent shall follow the evaluator's recommendations regarding treatment and support group meetings. Respondent shall attend three (3) meetings per week until the Board receives the evaluation with recommendations regarding meeting attendance.
- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board-approved drug screen monitoring program, laboratory, and collection site. Respondent shall contact a Board-approved drug screen-monitoring program within five (5) business days of receipt of this Order. Respondent shall not submit specimens at Respondent's place of employment or practice site. Respondent shall not collect any drug screen ordered by the Board of Nursing. Respondent shall contact the drug screening company daily. If selected for testing, Respondent shall present for a drug screen the same day of the notification and shall have two (2) hours to submit a specimen. Dilute specimens will be considered an attempt to alter test results.
- Respondent shall abstain at all times from the use of controlled or abuse potential substances, including alcohol and products that contain alcohol. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. Short-term treatment may be allowed for an acute illness or acute condition. Short-term treatment is a course of treatment that is limited in duration. Respondent shall notify board staff in writing immediately of any acute illness or condition treated with abuse potential substances. Respondent shall ensure that the prescribing practitioner submits a written report to Board staff within ten (10) days of prescribing a controlled or abuse potential substance.
- Respondent must provide to the Board of a complete neurocognitive evaluation within 30 days of receipt of this order. Acceptable evidence shall include at least an in-depth neurocognitive evaluation with appropriate testing. The Respondent shall supply a copy of the Board's Order to the evaluator. The evaluation must contain evidence that the evaluator knows the reason for the referral. The evaluator must specifically advise the Board that the nurse is presently able to engage in the safe practice of nursing or recommend the conditions under which safe practice could be obtained. The Respondent will execute any release necessary to give the Board access to records, including but not limited to medical, psychological, employment, and or criminal records. Failure to execute a release shall be grounds for disciplinary action against Respondent's license / privilege to practice.
- Respondent shall provide evidence of successful completion of a continuing education course approved by the Board staff in the following: *Critical Thinking* and *Documentation*
- Respondent shall appear for license reinstatement upon completion of the Board's suspension order. Respondent shall request a hearing in a registered letter.
- Respondent shall submit a personal report to accompany required data to the Board on a quarterly basis.
- Respondent shall ensure that all required reports are submitted to the Board on a quarterly basis.
- Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.

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- Respondent shall be responsible for all costs involved in complying with the Board's Order.
- Pursuant to Ark. Code Ann. §17-87-309, failure to comply with this Order may result in additional disciplinary action on the Respondent's licensure and /or privilege, including but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.

Brought by Janice Ivers and seconded by Kaci Bohn.

PASSED

Sue Tedford, Executive Director, discussed the Grant Agreement with the Board. After discussion, the following motion was presented:

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Grant Agreement (Grant Contract Number: ASBN2020-001) between the Arkansas State Board of Nursing and the Arkansas Center for Nursing, Inc.

Brought by Kaci Bohn and seconded by Janice Ivers.

PASSED

Lisa Wooten, Assistant Director, discussed with the Board the process of surrendering medications to the State.

Sue Tedford updated the Board on the following items:

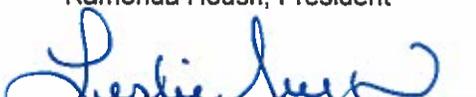
- Indiana and Alabama have now joined the Enhanced Nurse Licensure Compact (eNLC)
- ORBS date to go Live; Call Center will be put in place for questions

ASBN Strategic Plan was given to Board members in preparation for the 2019 June Board Strategic Planning meeting.

There being no further business, the meeting adjourned at 3:05 pm.



Ramonda Housh, President



Leslie Suggs, Recording Secretary

7/10/19

Date Approved